THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.20768 of 1998

Dated: 25-07-2005

Between:

The Depot Manager, APSRTC,

Nandyal Depot, Kurnool District. … Petitioner

And

The Industrial Tribunal cum Labour Court, Ananthapur,
and another

… Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.20768 of 1998

ORDER:

This writ petition is filed by the Depot Manager, APSRTC Nandyal Depot, Kurnool District, being aggrieved by the award passed by the Industrial Tribunal-cum-Labour Court, (for short 'the Labour Court') Ananthapur, in M.P.No.14 of 1997 dated

05-03-1998, wherein the petition filed by the workman under Section 33(c)(2) of the Industrial Disputes Act and the same was allowed. The petitioner management was directed to compute the wages for the period from 03-03-1993 to 03-01-1997 with 6% simple interest per annum.

The facts are not in dispute, therefore, there is no necessity to go into details. It is suffice to notice that the 2nd respondent-workman while working as a driver he boarded a bus for the purpose of reaching the depot for attending to his duties on 19-01-1993. Unfortunately, the bus met with an accident and in the accident, the respondent-workman was also injured and his right leg was amputated. Thereafter the workman was sent on leave from 03-03-1993. The 2nd respondent-workman approached the petitioner for an alternative employment but the same was not provided. Under those circumstances, he filed I.D.No.33 of 1994 before the Labour Court under Section 2-A (2) of the Act complaining that the services of the 2nd respondent was illegally terminated. In the said I.D. the petitioner management filed a counter stating that the services of the workman were not at all terminated, therefore, the Labour Court came to the conclusion that the petition under Section 2-A(2) is not maintainable and it observed that it shall always open for the workman to come up with a petition under Section 33(c)(2) of the Act. On the assertions made by the Management the respondent workman filed M.P.No.14 of 1997 before the Labour Court and the same was disposed of holding that the workman is entitled for wages for the period from 03-03-1993 to 03-01-1997. Hence, this writ petition.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side and also perused the award passed in M.P.No.14 of 1997 and other material made available on record.

At the out set, I am of the opinion that the Labour Court has not committed any error, calling interference of this Court under Article 226 of the Constitution of India. It is an admitted fact that on 19-01-1993 the workmen met with an accident while traveling in RTC bus in the course of his employment and suffered injury on his right leg, which was amputated. Thereafter, he was sent on leave from 03-03-1993 to 03-

01-1997, neither the services of the workman were terminated nor he was given alternative employment nor he was paid salary. When the workman filed I.D. No.34 of 1994, the management has come out with a counter saying that the services of the workman were never terminated. Under those circumstances, the respondent-workman approached the Labour Court and filed petition under Section 33(c)(2) and the same was taken on file. The Labour Court observations made in the I.D.No.33 of 1994 dated 13-03-1997 that the workman deemed to be in service from 03-03-1993 to 03-01-1997. Therefore, he is entitled for wages for the said period. In view of the admitted fact that the services of the workman were not terminated and the services of the workman were ultimately dispensed with only on 3-1-1997 he was entitled for all the wages for the said period from 03-03-1993 to 01-01-1997. The findings of the Labour Court does not call for any interference of this Court under Article 226 of the Constitution of India. The writ petition is devoid of merit and liable to be dismissed. Accordingly the writ petition is dismissed.

No order as to costs.

C.V. RAMULU, J

Dated: 25-07-2005

LSK